

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARBARA ROCKMORE,

Plaintiff,

-against-

DARRICK E. ANTELL,
DARRICK E. ANTELL, M.D., D.D.S., P.C.,
DARRICK E. ANTELL, M.D., F.A.C.S and
DARRICK E. ANTELL, M.D., F.A.C.S., P.C.,

Defendants.

Case No.: 07-CV-3592

**DECLARATION OF
CHRISTINA L. FEEGE**

Christina L. Feege, an attorney duly admitted to this court, hereby declares under penalty of perjury as follows:

1. I am an shareholder with the firm of Littler Mendelson, P.C., attorneys of record for the Defendants in this action. I submit this declaration and the document annexed thereto in support of Defendants' motion to dismiss the Amended Complaint.

2. Attached hereto as **Exhibit A** is a true and accurate copy of the transfer executed August 10 and 17, 2004, for Plaintiff's 401(k) and Profit Sharing plan referenced in Defendants' Memorandum of Law in Further Support of Motion to Dismiss Amended Complaint.

Dated: July 16, 2007

/S/
Christina L. Feege

EXHIBIT A



FIDELITY PREFERRED SERVICES™

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DARRICK E ANTELL MD DDS PC
 BARBARA ROCKMORE
 PO BOX 852
 NEW YORK NY 10021-0002



2004 Investment Report

January 1, 2004 - December 31, 2004

Online
 FAST(sm)-Automated Telephone
 Preferred Services

Fidelity.com
 800-544-5555
 800-544-6565

► Your 2004 Investment Report summarizes activity in your Fidelity accounts for the past year. In order to provide better tax preparation service to our customers, your realized gain/loss information, cost basis information, and tax-exempt income from Fidelity Funds information are consolidated on Form(s) 1099. You will receive your Form(s) 1099 and your IRA summary statement, Form 5498, under separate cover.

Fidelity Funds Non-Prototype 28T-687529

DARRICK E ANTELL - TRUSTEE - DARRICK E ANTELL MD DDS PC 401K PENSION
 AND PS PLAN FOR THE BENEFIT OF BARBARA ROCKMORE

2004 Account Summary

Beginning value as of Jan 1 \$37,989.49
 Additions 11,861.26
 Transfers between Fidelity accounts -48,588.11
 Change in investment value -1,272.64
 Ending value as of Dec 31 \$0.00

Income Summary

Tax-deferred \$9.22

Holdings as of Dec 31, 2004	Symbol/Fund Number	% of Holdings	Income Earned	Shares Dec 31, 2004	Price per Share Dec 31, 2004	Total Value Dec 31, 2004
Total income earned on positions no longer held						
Total 2004 Income Earned			\$ 8.22			
			\$ 8.22			

Transaction Details

(for holdings with activity this period)



FIDELITY PREFERRED SERVICESSM

2004 Investment Report

January 1, 2004 - December 31, 2004

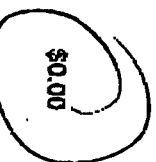
Fidelity Funds Non-Prototype 2BT-687529

**DARRICK E ANTELL - TRUSTEE - DARRICK E ANTELL MD DDS PC 401K PENSION
AND PS PLAN FOR THE BENEFIT OF BARBARA ROCKMORE**

Activity	Security	Date	Description	Shares	Price per Share	Transaction Amount	Total Value
FIDELITY CASH RESERVES							
		1/1	BEGINNING BALANCE	257.130	\$1.00		\$257.13
		1/30	DIVIDEND RECEIVED			\$0.17	
		1/30	Reinvestment	0.170	1.00	0.17	
		2/27	DIVIDEND RECEIVED			0.18	
		2/27	Reinvestment	0.160	1.00	0.16	
		3/31	DIVIDEND RECEIVED			0.17	
		3/31	Reinvestment	0.170	1.00	0.17	
		4/30	DIVIDEND RECEIVED			0.16	
		4/30	Reinvestment	0.160	1.00	0.16	
		5/28	DIVIDEND RECEIVED			0.17	
		5/28	Reinvestment	0.170	1.00	0.17	
		6/30	DIVIDEND RECEIVED			0.16	
		6/30	Reinvestment	0.160	1.00	0.16	
		7/30	DIVIDEND RECEIVED			0.20	
		7/30	Reinvestment	0.200	1.00	0.20	
		8/10	PURCHASE	11,861.260	1.00	11,861.26	
		8/17	CHECK RECEIVED			2.63	
		8/17	DIVIDEND RECEIVED			2.63	
		8/17	Reinvestment	-12,119.580	1.00	-12,119.58	
		8/17	Transferred TO				
		8/17	480-985711				
		8/17	Transferred TO				
		8/17	480-985711				
		12/31	ENDING BALANCE	-2.630	1.00	-2.63	
FIDELITY CONTRAFUND							
		1/1	BEGINNING BALANCE	440.220	49.35	4.40	
		2/6	DIVIDEND RECEIVED			4.40	
		2/6	Reinvestment	0.087	50.29	4.40	

\$21,724.86

\$0.00



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FIDELITY PREFERRED SERVICESSM
2004 Investment Report
 January 1, 2004 - December 31, 2004

Fidelity Funds Non-Prototype 28F-687529

DARRICK E ANTELL - TRUSTEE - DARRICK E ANTELL MD DDS PC 401K PENSION
AND PS PLAN FOR THE BENEFIT OF BARBARA ROCKMORE**Transaction Details**

Activity	Security	Date	Description	Shares	Price per Share	Transaction Amount	Total Value
FIDELITY GROWTH COMPANY		8/17	Transferred TO 480-885711	-440.307	48.74	-21,460.56	
		12/31	ENDING BALANCE				\$0.00
FIDELITY AGGRESSIVE GROWTH		1/1	BEGINNING BALANCE	168.793	50.07		\$8,451.47
		8/17	Transferred TO 480-885711	-168.793	46.24	-7,804.99	
		12/31	ENDING BALANCE				\$0.00
FIDELITY SELECT BIOTECHNOLOGY		1/1	BEGINNING BALANCE	351.937	14.93		\$5,254.42
		8/17	Transferred TO 480-885711	-351.937	14.09	-4,958.79	
		12/31	ENDING BALANCE				\$0.00
Additions		1/1	BEGINNING BALANCE	44.903	51.48		\$2,311.61
		8/17	Transferred TO 480-885711	-44.903	49.92	-2,241.56	
		12/31	ENDING BALANCE				\$0.00
8/10	CHECK RECEIVED	Amount	\$11,861.26	Total	Description	Amount	Amount
						\$11,861.26	

Additional Information About Your Annual Investment ReportA copy of your Annual Investment Report is available to:
SCHNEIDER, SCHECTER & YOSS, PC

BARBARA ROCKMORE

PENSION INNOVATIONS/CONSULTING

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Your 2004 Fidelity Investment Report

Your year-end Fidelity Investment Report summarizes activity in your Fidelity account(s) for the past year. This report makes it easier for you to prepare your taxes and to assess whether your investments still suit your needs. This is not a tax form. Do not file this form with your tax return. It does not replace tax forms you will receive such as IRS Form 1099 or Form 5498. Please refer to the instructions on each tax form for reporting tax information to the IRS. Under separate cover you will receive the following tax forms if you had specific types of activity in your account(s):

- Form 1099-DIV if you own a non-retirement account and received dividends, capital gain distributions, or other reportable distributions;
- Form 1099-B if you own a non-retirement account and redeemed or exchanged shares from a stock or bond mutual fund, or if you sold individual securities;
- Form 1099-INT if you own a non-retirement account and received taxable interest payments;
- Form 1099-CID if you own a non-retirement account and had certain individual bonds originally issued at a discount;
- Form 1099-MISC if you received royalty payments and/or certain substitute payments, such as those in lieu of dividends and tax-exempt interest;
- Form 1099-R if you took a distribution from a retirement account or recharacterized an IRA contribution;

Your Asset Allocation

Asset allocation is a method of diversifying your investments among asset classes (e.g., stocks, bonds, short-term instruments). We believe that you should use asset allocation principles to create a portfolio that helps meet your needs and that you should review your portfolio of investments at least once a year to help you decide if it still suits your needs.

Current Allocation To help you determine your current asset allocation, we are providing a snapshot of your Fidelity asset mix. We sorted your Fidelity holdings into four asset categories: Stocks, Bonds, Short-Term Instruments, and Non-Classified. The following table summarizes the representation of individual holdings in your asset allocation pie chart:

ASSET CATEGORY

TYPES OF INVESTMENTS

- Fidelity and non-Fidelity funds that invest primarily in stocks
- Individual stocks
- American Depositary Receipts (ADRs)
- Fidelity and non-Fidelity funds that invest primarily in bonds
- Individual bonds with at least 1 year to maturity
- CDs with at least 1 year to maturity

Short-Term Instruments

- Fidelity and non-Fidelity money market funds
- Bankers' Acceptances and Commercial Paper
- CDs with less than 1 year until maturity
- Individual bonds with less than 1 year until maturity

Non-Classified

- Non-Fidelity funds not classified as primarily investing in one asset class (stock, bond, or short-term). Included in this group are convertible securities funds, balanced income funds, flexible portfolio funds, and balanced funds.
- Non-Fidelity funds not classified as stock, bond, or short-term at the time we generated this report
- Practical metals (bullion, coins)
- Options
- Warrants and Rights
- REITs, UITs, and Limited Partnerships

Some Fidelity mutual funds ("blended funds") invest a significant amount of their portfolios in more than one asset class. The following funds are apportioned across asset classes based on their neutral mix, which represents the way the Funds' investments will generally be allocated. This mix may vary based on the current outlook for different markets. If you own any of the following funds, as of September 30, 2004, your assets in the fund were allocated as follows:

Fidelity Asset Manager	53% stocks, 32% bonds, 15% short-term
Fidelity Asset Manager: Aggressive	87% stocks, 9% bonds and 4% short-term
Fidelity Asset Manager: Growth	74% stocks, 16% bonds, 10% short-term
Fidelity Asset Manager: Income	25% stocks, 43% bonds, 32% short-term
Fidelity Balanced Fund	68% stocks, 31% bonds, 1% convertibles
Fidelity Puritan Fund	63% stocks, 31% bonds, 1% convertibles, 5% short-term
Fidelity Four-In-One Index Fund	55.0% Spartan® 500 Index Fund, 15.4% Spartan®
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- Form 5498 if you have a Fidelity IRA. Form 5498 reports contributions and the year-end fair market value of your Traditional IRA, Roth IRA, Rollover IRA, SEP-IRA, or SIMPLE-IRA.

Please keep this report with your permanent records for future reference. If you request a reprint of your statement, the disclosure information provided with your report may or may not be the same as the disclosure information provided with your original statement. If you have a question about your account, call us 24 hours a day, 7 days a week at the phone number provided on the front of this report. There is a maintenance period when some services may not be available.

Additional Investments to Your Account with Fidelity Investments For deposits in mutual fund non-retirement accounts make checks payable to the specific mutual fund and (or) mutual fund retirement accounts make checks payable to Fidelity Investments. For deposits in brokerage accounts (all account types) make checks payable to National Financial Services LLC (NFS). Please include your account number on your check and for deposits in retirement accounts designate whether your contribution is for the current or prior year in the memo field. Mail checks to: Fidelity Investments, P.O. Box 770001, Cincinnati, OH 45277-0001.

Extended Market Index Fund, 15.2%, Spartan® International Index Fund, and 14.4%, Fidelity U.S. Bond Index Fund

The percentages listed below represent each of the following funds' actual allocation as of September 30, 2004:

Fidelity Freedom 2000 Fund	26% stock funds, 42% bond funds, 32% money market funds
Fidelity Freedom 2010 Fund	47% stock funds, 44% bond funds, 9% money market funds
Fidelity Freedom 2020 Fund	70% stock funds, 30% bond funds, 0% money market funds
Fidelity Freedom 2030 Fund	82% stock funds, 18% bond funds, 0% money market funds
Fidelity Freedom 2040 Fund	89% stock funds, 11% bond funds, 0% money market funds
Fidelity Freedom Income Fund	21% stock funds, 40% bond funds, 39% money market funds

Fidelity Freedom Funds are managed by Strategic Advisers, Inc., a registered investment adviser and a Fidelity Investments Company. Lipper, Inc. categorizes non-Fidelity funds into their broad asset allocation categories: stock, bond, short-term and non-classified. This is one way of classifying your Fidelity holdings; some investors may choose to use their own classifications when evaluating their asset allocation.

Is Your Asset Allocation Right for You? To determine the asset allocation strategy that may be right for you, consider your current financial situation, specific investment goals, time frame, and personal tolerance for risk. As your goals and needs change over time, you should adjust your plan accordingly. Fidelity has a number of tools to help you determine the allocation that may best match your goals. Please visit Fidelity.com or call a Fidelity representative if you would like this information. Fidelity Distributors Corporation (FDC) is the general distributor agent for Fidelity funds. Fidelity Brokerage Services LLC (FBS) provides brokerage services and clears all transactions through its affiliate, National Financial Services LLC (NFS). NFS carries all brokerage accounts. Direct inquiries about positions or balances in your brokerage account to NFS at 800-544-6666. FBS and NFS are members of the NYSE and SIPC. FBS, NFS, and FDC are each direct or indirect subsidiaries of FMR Corp. Fidelity Account™ is a registered service mark of FMR Corp. and a service of FBS. Upon written request, Fidelity will mail an NFS financial statement, which is also available for inspection at its office. Fidelity

adviser and a Fidelity Investments company. Fidelity Private Portfolio Services may be offered through the following Fidelity Investments Companies: Strategic Advisers, Inc., Fidelity Personal Trust Company, FBS (FPT), a federal savings bank and a registered investment adviser or Fidelity Management Trust Company ("FMT"). Non-deposit investment products and trust services offered through FPT and FMT and their affiliates are not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency; are not obligations of any bank, are subject to risk, including possible loss of principal. These services provide discretionary money management for a fee. Brokerage services provided by FBS. Custody and other services provided by NFS. Insurance products are distributed by FBS. Fidelity Insurance Agency, Inc., and Fidelity Investments Insurance Agency of Texas, Inc. Mutual fund shares, obligations of, not endorsed nor guaranteed by any bank or other depositing institution, not are they federally insured by the FDIC or any other agency. Fidelity Investments (with pyramid logo) is a trademark of FMR Corp. Fidelity Portfolio Advisory Services and Fidelity Private Portfolio Services are service marks of FMR Corp.